



1997 SENATE BILL 291

September 16, 1997 - Introduced by Senators PLACHE, MOEN and BURKE, cosponsored by Representatives PLOUFF, BAUMGART, BOCK, TURNER, L. YOUNG, F. LASEE and MEYER. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

1 **AN ACT to amend** 303.01 (2) (em); and **to create** 303.01 (5m) of the statutes;
2 **relating to:** the operation of private businesses in state prisons.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) is authorized to lease space and equipment in the state prisons to 3 private businesses who will employ inmates or residents to manufacture products or components or provide services for sale on the open market. This bill provides that DOC may not enter into any contract with a private business to lease space and equipment in the state prisons that prohibits DOC from entering into contracts with any other private business to lease space and equipment in the state prisons.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 303.01 (2) (em) of the statutes is amended to read:
4 303.01 (2) (em) Lease Subject to sub. (5m), lease space, with or without
5 equipment, within the precincts of state prisons, as specified in s. 302.02, or within
6 the confines of correctional institutions operated by the department for holding in
7 secure custody persons adjudged delinquent, to not more than 3 private businesses
8 to employ prison inmates and institution residents to manufacture products or

1 components or to provide services for sale on the open market. The department shall
2 comply with s. 16.75 in selecting businesses under this paragraph. The department
3 may select a business or enter into a lease under this paragraph only with the
4 approval of the joint committee on finance. The department shall consult with
5 appropriate trade organizations and labor unions prior to issuing requests for
6 proposals and prior to selecting proposals under this paragraph. Each such private
7 business may conduct its operations as a private business, subject to the wage
8 standards under sub. (4), the disposition of earnings under sub. (8), the requirements
9 for notification and hearing under sub. (1) (c), the requirement for prison industries
10 board approval under s. 303.015 (1) (b) and the authority of the department to
11 maintain security and control in its institutions. The private business and its
12 operations are not a prison industry. Inmates employed by the private business are
13 not subject to the requirements of inmates participating in prison industries, except
14 as provided in this paragraph;

15 **SECTION 2.** 303.01 (5m) of the statutes is created to read:

16 303.01 **(5m)** EXCLUSIVITY. The department may not enter into any contract with
17 a private business under sub. (2) (em) that prohibits the department from entering
18 into contracts with any other private business under sub. (2) (em).

19 **SECTION 3. Initial applicability.**

20 (1) This act applies to contracts to operate private businesses and employ
21 prison inmates or institution residents under section 303.01 (2) (em) of the statutes
22 that are entered into or renewed on or after the effective date of this subsection.

23 **(END)**